

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUZANNE CAREY,

Plaintiff,

v.

TOPCO FINANCIAL SERVICES,

Defendant.

CASE NO. C11-5726BHS

ORDER DENYING PLANTIFF'S
MOTION TO PROCEED IN
FORMA PAUPERIS

This matter comes before the Court on Plaintiff's ("Carey") motion to proceed in forma pauperis (Dkt. 1). The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. DISCUSSION

On September 12, 2011, Carey moved the Court to proceed in forma pauperis in her case filed against Defendant. Dkt. 1. Carey claims that Defendant violated the Fair Credit Reporting Act when they charged her for towing a vehicle for which she did not have title.

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the

1 Court has broad discretion in denying an application to proceed in forma pauperis.
2 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). “A
3 district court may deny leave to proceed in forma pauperis at the outset if it appears from
4 the face of the proposed complaint that the action is frivolous or without merit.” *Tripati v.*
5 *First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987).

6 To begin with, it appears Carey is not without sufficient income to pay the filing
7 fee in this matter. Further, notwithstanding Carey’s framing of her alleged case against
8 Defendant, the Court is unable to determine what cause of action might lie with Carey’s
9 allegations, and Carey has either not plead any valid causes of action or supported a valid
10 cause of action with adequate facts. In short, it does not appear that Carey can sustain her
11 claims either in law or fact. Based on the Court’s review of Carey’s proposed complaint,
12 the Court finds it likely to be without merit and conceivably frivolous.

13 II. ORDER

14 Therefore, it is hereby **ORDERED** that Carey’s motion to proceed in forma
15 pauperis is **DENIED**. Carey’s Complaint will not be accepted unless the filing fee is paid
16 on or before October 14, 2011. However, even if the fee is paid, failure to cure the above
17 mentioned deficiencies in the proposed Complaint will likely result in dismissal of
18 Carey’s case.

19 Dated this 14th day of September, 2011.

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22 BENJAMIN H. SETTLE
United States District Judge